

Center for American Progress



Safeguarding the American People

The Progressive Vision Versus the Bush Record

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Introduction

The collapse of the Crandall Canyon mine in Utah serves as a tragic reminder of the risks faced by mine workers across the country every day. Among industrial sectors, the mining industry has the second highest rate of workplace fatalities. Last year, [47 coal miners were killed on the job](#), the most in more than a decade, including 12 at the Sago Mine in West Virginia.

Mine workers deserve a government that is on their side. But under the conservative ideology of the Bush administration, the Mine Safety and Health Administration has become more responsive to mine operators seeking to avoid oversight than to the safety of miners.

Shortly after taking office, President Bush appointed David Lauriski, a longtime coal industry executive, as head of MSHA. Under Lauriski's leadership, MSHA moved to [weaken a host of health and safety standards and scale back penalties for violations](#). In 2005, Lauriski resigned from his position shortly after the Labor Department's inspector general found that MSHA management had [improperly awarded no-bid contracts](#).

Lauriski was replaced by controversial recess-appointment Richard Stickler, also a former coal industry executive, who as head of the Pennsylvania Bureau of Deep Mine Safety earned a reputation for going easy on industry violators of mine safety standards. At a confirmation hearing following the Sago tragedy, Stickler [called safety standards in place at the time of the accident "adequate."](#)

Congress subsequently passed the [MINER Act](#) to address deficiencies exposed at Sago and protect miners in emergency situations. But [Stickler has shown little urgency](#) in implementing the law's safety measures, which seek to ensure that miners who are trapped underground are able to communicate with the surface, can be quickly and readily located by rescue teams, and have breathable air and access to "refuges" where they can await rescue. As Crandall Canyon makes clear, mines are still far from meeting these objectives.

The problems at MSHA, unfortunately, are not isolated. Rather, they reflect the hard-right conservative ideology that now permeates the entire executive branch. This ideology sees government principally as an instrument for advancing the interests of the corporate sector and by extension political allies who support this agenda. It is indifferent or even hostile to the common good—hence, the rampant cronyism and special-interest influence peddling of the Bush administration.

In the aftermath of Hurricane Katrina, this character was laid bare when the Federal Emergency Management Agency fell down on the job but President Bush nonetheless praised its administrator, Michael Brown, a campaign contributor with no previous experience in disaster response, for doing “a heckuva job.” At Katrina’s two-year anniversary, little has changed. The atrophy of crucial government functions over the last six and a half years has left the American people dangerously vulnerable.

Last year, in [the predecessor to this document](#), the Center for American Progress faulted the administration for ignoring needed upgrades to the nation’s crumbling infrastructure, including levees and bridges. But even after the disastrous bridge collapse in Minneapolis, the administration seems unwilling to seriously tackle the problem. The administration quickly promised funding to rebuild the collapsed bridge, yet it has offered no plan to repair the more than [70,000 bridges nationwide found to be structurally deficient](#).

The administration also has failed to adjust and fortify health and safety protections for the global economy. The series of massive recalls of food, drug, and consumer products from China are testament to this failure. Just within the last several weeks and months, millions of popular Chinese-made toys, including Big Bird, Elmo, and Thomas & Friends, have been found to contain lead paint, which can cause developmental disorders in children. The U.S. Consumer Product Safety Commission, unfortunately, is ill-equipped to ensure the safety of toys made in China, which account for 80 percent of all toys bought in the United States.

Budget cuts have left the commission with fewer than 500 employees to monitor more than 15,000 products. Since July 2006, moreover, CPSC has operated with just two commissioners of the three required for a quorum, limiting its legal authority to safeguard the public. President Bush finally nominated a new chairman in March. But the choice, Michael Baroody, executive vice president of the National Association of Manufacturers, has met Senate opposition for his long history of fighting health and safety protections on behalf of industry.

The story is the same from auto safety to preventing financial fraud and identity theft to preservation of our natural resources and protections for clean air and water. The Bush administration has consistently put narrow special interests over the broad public interest and shirked its responsibility to safeguard the American people.

Progressives offer a different approach, motivated by the common good and rooted in Abraham Lincoln’s vision of government “of the people, by the people, and for the

people.” This approach recognizes that government has a fundamental responsibility to protect the public’s health, safety, and general welfare, and that this responsibility can only be met through committed action. In particular, government must identify public risks and vulnerabilities, adopt policies to prevent public harm, provide oversight to ensure laws and standards are followed, and make decisions out in the open to ensure accountability for results.

These are straightforward principles of good government, yet they have been repeatedly subverted by the Bush administration. The following contrasts this conservative record of government sabotage with the progressive vision for safeguarding the American people.

Identifying Risks and Vulnerabilities

The Progressive Vision

Many health, safety, and environmental risks are hidden from public view. For example, it is impossible to actually see toxic chemicals causing cancer or polluted air causing childhood asthma. Government agencies such as the Occupational Safety and Health Administration and the Environmental Protection Agency are counted on to continuously collect and analyze data to bring such risks into focus. With a clear picture of our problems, we can set sensible priorities and develop effective policies to prevent public harm.

Cutting-edge information technologies provide the ability to, among other things, continuously measure neighborhood air pollution; assess contamination of our drinking water, a potential terrorist target; monitor chemical exposures in American workplaces; and track the condition of physical infrastructure, such as roads and bridges. Today, these sorts of data are unevenly or sporadically collected and are reported well after the fact (sometimes years later), impairing our ability to take preventive action. The Center for American Progress, in response, has put forward [recommendations to harness new technologies](#) to provide greater sophistication and precision in identifying problem areas.

The Bush Record

Urged on by special interests seeking to hold off regulation, the Bush administration has frequently worked to [suppress findings of public and environmental harm](#). In particular, it has doctored numerous scientific reports, including several on global warming; stacked scientific advisory committees with industry friendly panelists, including one on childhood lead poisoning; and undercut monitoring efforts, including the monitoring of workplace ergonomic injuries and hearing loss. In perhaps its most brazen move, the administration last year severely [scaled back collection of data on industrial toxic releases](#).

At the same time, there has been little interest in breakthrough technologies that could provide a far clearer picture of our problems. MSHA, for example, has been slow to embrace a newly developed monitoring device to protect coal miners. This device would

be attached to a miner's cap light and take continuous readings of coal dust, which causes black lung disease and other respiratory problems. In September 2003, the Senate passed an amendment, introduced by Sen. Arlen Specter (R-PA), requiring the administration to redo an MSHA proposal to weaken coal-dust standards if final testing of this technology proved effective. Unfortunately, the administration narrowly prevailed in the House. More than three years later, MSHA is still evaluating the technology and has announced no plans for implementation.

Preventing Public Harm

The Progressive Vision

If growing threats are not anticipated and dealt with, the American people might be left to suffer the consequences. Terrorists could exploit vulnerabilities in homeland security—for example, by setting off a [chemical explosion at an industrial facility](#) in a densely populated area. Coastal areas, where much of the country's population resides, could be devastated by rising sea levels and extreme weather linked to global warming. Americans could withdraw from e-commerce as identity theft explodes, [undercutting an important new driver of economic growth](#). Food-borne illnesses such as E. coli—found last year in lettuce and spinach in a series of outbreaks—could become more common, killing thousands and sickening millions. And the nation's infrastructure could break down, as seen in the Minneapolis bridge collapse, the breaching of the New Orleans levees during Katrina, and the massive failure of our electrical grid in 2003, which left large parts of New York, New Jersey, Ohio, and Michigan without power.

Progressives are prepared to face these threats, and others, and take decisive action to safeguard the American people. It is no insult to say that corporations operate in their own interest to maximize profits. Yet in their pursuit of maximum profits, corporations can sometimes cause substantial harm to the public. In such cases, government must stand up for the public interest and set strong standards for corporate behavior.

Government also has responsibility to maintain and upgrade the nation's infrastructure. Such investments are critical for, among other things, safe roads, clean drinking water, and reliable electricity. It has frequently proven tempting to postpone infrastructure improvements when faced with tight budgets. But this temptation should be resisted. A continuous commitment prevents a backlog from accumulating and ensures that improvements are made in time to prevent public harm.

The Bush Record

The collapse of the Minneapolis bridge provided perhaps the most dramatic evidence yet of the nation's infrastructure crisis. But it was by no means an isolated event. Across the country, critical infrastructure is rapidly deteriorating and in many cases failing. Just last year, for example, a dam in Kauai, Hawaii gave way and let loose nearly 300 million gallons of water, killing seven people. The American Society of Civil Engineers estimates that [more than \\$1 trillion is needed to address infrastructure shortcomings](#)

across a wide range of areas, from the electrical grid to schools to drinking water and sewage treatment to roads, dams, and bridges.

The Bush administration, however, has failed to act. Even after the massive blackout in 2003 exposed severe shortcomings in the electrical grid, for example, the administration refused to fully fund needed upgrades. The Minneapolis disaster likewise has not galvanized the administration to repair the nation's bridges, roughly 27 percent of which are structurally deficient or functionally obsolete. Indeed, the administration has already spoken negatively about congressional efforts to close funding shortfalls.

As the nation's infrastructure is allowed to crumble, [risky practices by corporations are being left unchecked](#). For example, Americans remain highly vulnerable to identity theft—more than two years after data brokers ChoicePoint and LexisNexis lost personal information on tens of thousands of individuals to fraudsters and computer hackers—because the administration has been unwilling to buck industry opposition to meaningful protections.

Similarly, the Federal Energy Regulatory Commission failed to stop power companies—most prominently Enron Corp.—from illegally manipulating California's energy market, which led to rolling blackouts in 2000 and 2001. At the time, FERC was chaired by Nora Mead Brownell, who President Bush appointed to the position [at the urging of disgraced Enron executive Kenneth Lay](#), a Bush campaign “Pioneer”—so designated for bundling at least \$100,000 in political donations.

The collapse at the Crandall Canyon mine may provide another case in point. Mine safety experts are now questioning MSHA's decision to approve “retreat mining” at Crandall Canyon. Retreat mining—in which the roof of the mine is allowed to cave in as coal is removed from supporting pillars—was reportedly being performed in the vicinity of the six miners now presumed killed by the collapse. (MSHA also approved the dangerous rescue operation in which three more miners were killed.)

Instead of protecting the public, the administration has [weakened or thrown out a host of protective standards](#), including standards on clean air and water, energy efficiency, medical privacy, and health claims on food products, just to name a few. [In her book about her time as administrator of the Environmental Protection Agency](#) under President Bush, Christine Todd Whitman lamented the influence exerted by “antiregulatory lobbyists and extreme antigovernment ideologues.”

Frequently, ex-industry lawyers and lobbyists have rewritten the rules for the benefit of their former employers or clients. The former deputy administrator of Interior, J. Steven Griles, who previously worked as an oil-industry lobbyist, pushed to open millions of acres of public land to oil and gas development. Griles resigned in late 2004 to resume his lobbying career after being investigated for questionable dealings with former industry clients. He also actively worked with and supported Jack Abramoff on matters concerning the disgraced lobbyist's American Indian clients. Ultimately, Griles was sentenced to prison for obstructing a Senate investigation into Abramoff's dealings.

Enforcing Laws and Standards

The Progressive Vision

It is obvious to everyone that we need police to enforce our laws. Police provide safety, catch criminals, and generally make communities livable. Inspectors and enforcement officials at agencies such as MSHA and the Securities and Exchange Commission are our police for corporate crime. They make sure corporations operate responsibly in compliance with public safeguards.

If government does not enforce the laws, corporations will be tempted to cut corners to pad their bottom line, potentially putting the public at risk. Perversely, when there are no penalties for misbehavior, companies that break the law are rewarded with increased profits, while law-abiding companies are put at a competitive disadvantage.

Progressives believe in providing companies with assistance in understanding and complying with laws and standards. But compliance assistance must go hand-in-hand with a strong deterrent to corporate crime. This means putting an adequate number of cops on the beat, exercising vigorous oversight, and leveling fines and penalties sufficient to deter lawbreaking.

The Bush Record

The wave of corporate accounting scandals that came to light in 2002—which cost investors tens of billions of dollars—shows what can happen when government shirks its oversight responsibility. President Bush’s first choice to head the SEC, Harvey Pitt, a former accounting industry executive, took the job promising a “kinder and gentler” approach. Under Pitt’s leadership, the administration proposed to cut the SEC’s already inadequate budget and ignored clear warning signs of widespread accounting fraud that culminated in the collapse of Enron and the discovery of abuses at a host of other prominent companies. Ultimately, mounting political pressure forced the administration to accept [legislation that sought to restore teeth to the SEC](#).

A similar scenario has played out with mine safety. President Bush repeatedly sought and won cuts in MSHA’s budget, while criminal referrals for mine safety infractions and penalties for noncompliance steadily declined. The Sago Mine tragedy spurred Congress to reverse these funding cuts and pass the [MINER Act](#) to refocus the agency on its mission of protecting miners. Nonetheless, penalties are still typically too small to compel compliance with safety standards.

At Crandall Canyon, MSHA inspectors issued 325 citations since January 2004, of which 116 were considered “significant and substantial,” violations that posed a high risk of serious injury or illness. Fines, however, were typically low or non-existent. In 2005, for example, MSHA fined the mine \$936 for not having at least two emergency escape

routes. A year later, the violation remained uncorrected, but the company was fined just \$60. Undoubtedly, it was cheaper for the company to pay the fine than fix the problem.

Making matters worse, President Bush appointed Michael Duffy, the former deputy general counsel of the National Mining Association, a lobbying arm of the mining industry, as chairman of the Federal Mine Safety and Health Review Commission, which resolves civil disputes between MSHA and mining companies. Under Duffy's leadership, the commission has frequently reduced fines against companies, further eroding MSHA's ability to deter safety violations.

Corporate governance has similarly grown more permissive at other regulatory agencies. [Inspections and penalties have sharply declined](#), for example, in the areas of environmental protection, workplace health and safety, civil rights, and food and drug safety. Even when risks have come to light, the administration has been loath to step up oversight. Three years ago, a cow infected with mad cow disease was discovered in Washington state, but the administration, in response, committed to test only one in 90 cows for the disease. By comparison, the European Union tests one in four cows and Britain and Japan test every single one.

Accountability for Results

The Progressive Vision

Our democracy depends on the free flow of information. Government decisions should be made out in the open, and the public should be informed about problems we confront as a nation—so that citizens can participate in policymaking and hold government officials accountable for results.

Progressives believe government should look proactively for ways to engage the public, based on the premise that full and informed debate will produce better decision-making. For example, a forthcoming paper from the Center for American Progress will advise ways to take advantage of new technologies to create more inclusive and interactive regulatory decision-making.

Government can also engage the public and enhance accountability by widely disseminating data on potential risks, such as food-borne illness, toxic pollution, and auto safety defects. The Center for American Progress has [recommended ways to package these sorts of data](#), so that problems are easier to spot and government performance is easier to evaluate. When problems are exposed, experience shows the public will become engaged and demand solutions, counteracting the influence of special interests.

The Bush Record

The administration has moved to [broadly restrict public access to information](#) that might expose and interfere with its political cronyism. MSHA, for instance, [stopped releasing](#)

[notes from mine inspections and closed proceedings of accident investigations](#)—blocking even union officials and lawyers of injured mine workers in some cases.

Similarly, the National Highway Traffic Safety Administration [decided to withhold “early warning” data](#) about auto safety defects—including warranty claim information, auto dealer reports, consumer complaints, and data on child restraint systems and tires—because it claimed the data could result in “substantial competitive harm” to the auto industry. Congress had required reporting of this information in the aftermath of the widespread failure of Firestone tires in 2000, which contributed to more than 200 traffic fatalities.

The administration has also regularly withheld information from Congress. In the most high profile example, the administration steadfastly refused to hand over documents related to Vice President Cheney’s secret energy task force, whose recommendations conspicuously reflected the interests of oil, gas, and coal companies. Likewise, [the EPA withheld analysis](#) showing that the administration’s industry-backed plan for power-plant emissions, the “Clear Skies Initiative,” was far less effective than alternative bipartisan legislation. Instead of debating honestly, the administration has consistently tried to protect itself politically by concealing information that might suggest the need for stronger public protections.

Conclusion

Conservatives principally view government as the enemy of the market. As President Reagan famously stated in his first inaugural address, “Government is not a solution to our problem, government is the problem.” This sentiment is most typically applied to constraints on corporate activity. Regulation of almost any sort is seen as an impediment to a natural functioning market. Freeing corporate activity of such constraints is the primary policy objective, to which all else is subservient.

The Bush administration has governed by this philosophy. And indeed, to a large extent, it has managed to implement its agenda. Corporate activity, as detailed above, is now subject to fewer restrictions and far less oversight. For conservatives, this should be viewed as a success.

The public, however, might be excused for seeing things differently. As a result of the administration’s actions, the nation’s air and water are less healthy, consumers and investors are more likely to be defrauded, food and other products are less safe, workers are at greater risk of being injured or killed, and public land is being degraded by rampant mining and drilling. What’s more, other crucial government functions have been barely given a second thought—hence, the failure of FEMA to respond to Katrina and the alarming deterioration of the nation’s infrastructure. After all, when government is viewed as the problem, there is little motivation in the task of governing.

Progressives believe strongly that government has a responsibility to safeguard the American people. The market has enormous power to deliver economic growth. But it

functions best within a framework that honors the common good. Corporations, in the pursuit of profits, can sometimes harm the public, be it through pollution, unsafe products, dishonest accounting, or dangerous workplaces. Government should work to mitigate such harm. The market exists to benefit everyone, not just favored corporations.